

Apr-07-06 02:39pm From-FAEGRE&amp;BENSON LLP

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PTO/SB/26 (09-04)

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**TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING  
REJECTION OVER A "PRIOR" PATENT**Docket Number (Optional)  
61297-318422

In re Application of: Michael Wand et al.

Application No. 10/038,054

Filed: 1/3/2002

For: High Polarization Ferroelectric Liquid Crystal Compositions

The owner, Displaytech, Inc., of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term prior patent No. 6,838,128 as the term of said prior patent is defined in 35 U.S.C. 154 and 173, and as the term of said prior patent is presently shortened by any terminal disclaimer. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of the term of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of the prior patent, "as the term of said prior patent is presently shortened by any terminal disclaimer," in the event that said prior patent later:

- expires for failure to pay a maintenance fee;
- is held unenforceable;
- is found invalid by a court of competent jurisdiction;
- is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321;
- has all claims canceled by a reexamination certificate;
- is reissued; or
- is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

Check either box 1 or 2 below, if appropriate.

1. ☒ For submissions on behalf of a business/organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the business/organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2. ☐ The undersigned is an attorney of record.

 6 April 2006  
Signature Date

Mark A. Handschy, Vice President

Typed or printed name

(303) 774-2213

Telephone Number

- ☒ Terminal disclaimer fee under 37 CFR 1.20(d) is included.

\*Statement under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner).  
Form PTO/SB/96 may be used for making this certification. See MPEP § 324.

This collection of information is required by 37 CFR 1.321. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-61899 and select option 2.

04/10/2006 MBINAS 00000025 10038054

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PTO/SB/06 (09-04)

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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**STATEMENT UNDER 37 CFR 3.73(b)**

Applicant/Patent Owner: Displaytech, Inc.

Application No./Patent No.: 10/038,054 Filed/Issue Date: 1/3/2002

Entitled: High Polarization Ferroelectric Liquid Crystal Compositions

Displaytech, Inc.

, a corporation

(Name of Assignee)

(Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1. ☒ the assignee of the entire right, title, and interest; or
2. ☐ an assignee of less than the entire right, title, and interest

The extent (by percentage) of its ownership interest is     %

in the patent application/patent identified above by virtue of either:

- A. ☒ An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel 012674, Frame 0039, or for which a copy thereof is attached

OR

- B. ☐ A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as shown below:

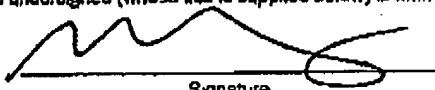
1. From:                      To:                       
The document was recorded in the United States Patent and Trademark Office at Reel    , Frame    , or for which a copy thereof is attached.
2. From:                      To:                       
The document was recorded in the United States Patent and Trademark Office at Reel    , Frame    , or for which a copy thereof is attached.

☐ Additional documents in the chain of title are listed on a supplemental sheet.

- ☒ Copies of assignments or other documents in the chain of title are attached.

[NOTE: A separate copy (i.e., a true copy of the original document(s)) must be submitted to Assignment Division in accordance with 37 CFR Part 3, if the assignment is to be recorded in the records of the USPTO. See MPEP 302.08]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.



Signature

Mark A. Handschy

Printed or Typed Name

Vice President

Title

6 April 2006

Date

(303) 774-2213

Telephone Number

This collection of information is required by 37 CFR 3.73(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



MAY 09, 2002

PTAS

GREENLEE, WINNER & SULLIVAN, P.C.  
5370 MANHATTAN CIRCLE, STE. 201  
BOULDER, CO 80303

Under Secretary of Commerce For Intellectual Property and  
Director of the United States Patent and Trademark Office  
Washington, DC 20231  
www.uspto.gov



\*102022914A\*

UNITED STATES PATENT AND TRADEMARK OFFICE  
NOTICE OF RECORDATION OF ASSIGNMENT DOCUMENT

THE ENCLOSED DOCUMENT HAS BEEN RECORDED BY THE ASSIGNMENT DIVISION OF THE U.S. PATENT AND TRADEMARK OFFICE. A COMPLETE MICROFILM COPY IS AVAILABLE AT THE ASSIGNMENT SEARCH ROOM ON THE REEL AND FRAME NUMBER REFERENCED BELOW.

PLEASE REVIEW ALL INFORMATION CONTAINED ON THIS NOTICE. THE INFORMATION CONTAINED ON THIS RECORDATION NOTICE REFLECTS THE DATA PRESENT IN THE PATENT AND TRADEMARK ASSIGNMENT SYSTEM. IF YOU SHOULD FIND ANY ERRORS OR HAVE QUESTIONS CONCERNING THIS NOTICE, YOU MAY CONTACT THE EMPLOYEE WHOSE NAME APPEARS ON THIS NOTICE AT 703-308-9723. PLEASE SEND REQUEST FOR CORRECTION TO: U.S. PATENT AND TRADEMARK OFFICE, ASSIGNMENT DIVISION, BOX ASSIGNMENTS, CG-4, 1213 JEFFERSON DAVIS HWY, SUITE 320, WASHINGTON, D.C. 20231.

RECORDATION DATE: 02/28/2002

REEL/FRAME: 012674/0039  
NUMBER OF PAGES: 4

BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNOR:  
WAND, MICHAEL

DOC DATE: 01/31/2002

ASSIGNOR:  
CHEN, XIN HUA

DOC DATE: 02/08/2002

ASSIGNOR:  
THURMES, WILLIAM N.

DOC DATE: 01/31/2002

ASSIGNEE:  
DISPLAYTECH, INC.  
2602 CLOVER BASIN DRIVE  
LONGMONT, COLORADO 80503

SERIAL NUMBER: 10038054  
PATENT NUMBER:

FILING DATE: 01/03/2002  
ISSUE DATE:

012674/0039 PAGE 2

PAULA MCCRAY, EXAMINER  
ASSIGNMENT DIVISION  
OFFICE OF PUBLIC RECORDS

FORM PTO-1595		03-19-2002		U.S. DEPARTMENT OF COMMERCE Patent and Trademark Office	
RE		EET		DOCKET #: 75-99	
To the Honorable Commissioner of Patents and Trademarks, please record the attached original documents or copy thereof.					
1. Name of conveying party(ies) Michael Wand Xin Hua Chen William N. Thurmes Additional name(s) of conveying party(ies) attached? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		2. Name and address of receiving party(ies) Name: Displaytech, Inc. Address: 2602 Clover Basin Drive Longmont, CO 80503 Additional name(s) & address(es) attached? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		OFFICE OF PATENT RECORDS 2002 FEB 28 AM 11:01 FINANCE SECTION	
3. Nature of conveyance: <input checked="" type="checkbox"/> Assignment <input type="checkbox"/> Merger <input type="checkbox"/> Security Agreement <input type="checkbox"/> Change of name <input type="checkbox"/> Other Execution Date: 1/31/02; 2/8/02; 1/31/02					
4. Application number(s) or patent number(s): If this document is being filed together with a new application, the execution date of the application is A. Patent Application No.(s) 10/038,054 B. Patent No (s) Additional numbers attached? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No					
5. Name and address of party to whom correspondence concerning document should be mailed: Name: Greenlee, Winner & Sullivan, P.C. Internal Address: Street Address: 5370 Manhattan Circle, Ste. 201 City: Boulder State: CO ZIP: 80303		6. Total number of applications and patents involved: 1 7. Total fee (37 CFR 3.41): \$40.00 <input checked="" type="checkbox"/> Enclosed <input type="checkbox"/> Authorized to be charged to deposit account 8. Deposit Account Number 07-1969			
DO NOT USE THIS SPACE					
9. Statement and signature To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document. Susan K. Doughty Signature February 14, 2002 Date Name of Person Signing Total number of pages including cover sheet, attachments, and document: 4					

03/19/2002 T01A21 00000042 10038054

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40.00 CP

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## ASSIGNMENT

WHEREAS, we, MICHAEL WAND, 2910 Regis Drive, Boulder, Colorado 80303; XIN HUA CHEN, 2717 Hughes Drive, Erie, Colorado 80516; and WILLIAM THURMES 7140 Mount Sherman, Longmont, Colorado 80503 (herein called "ASSIGNORS"), are the inventors of the invention "HIGH POLARIZATION FERROELECTRIC LIQUID CRYSTAL COMPOSITIONS" for which an application for a Patent of the United States was filed January 3, 2002, Serial No. 10/038,054.

WHEREAS, DISPLAYTECH, INC. (herein called "ASSIGNEE"), a corporation organized and existing under the laws of the State of Colorado having a principal place of business at 2602 Clover Basin Drive, Longmont, Colorado 80503, is desirous of obtaining the entire right, title and interest in, to and under the said invention and the said application;

NOW, THEREFORE, in consideration of good and valuable consideration, the receipt of which is hereby acknowledged, we, the said ASSIGNORS, have sold, assigned, transferred and set over, and by these presents do hereby sell, assign, transfer and set over, unto the said ASSIGNEE, its successors, legal representatives and assigns, the entire right, title and interest in, to and under the said invention, and the said United States Application and all divisions, renewals and continuations thereof, and all Patents of the United States which may be granted thereon and all reissues and extensions thereof; and all applications for industrial property protection, including, without limitation, all applications for patents, utility models, and designs which may hereafter be filed for said invention in any country or countries foreign to the United States, together with the right to file such applications and the right to claim for the same the priority of the United States under the International Union for the Protection of Industrial Property, or any other international agreement or the domestic laws of the country in which any such application is filed, as may be applicable; and all forms of industrial property protection, including, without limitation, patents, utility models, inventors' certificates and designs which may be granted for said invention in any country or countries foreign to the United States and all extensions, renewals and reissues thereof;

AND WE HEREBY authorize and request the Commissioner of Patents and Trademarks of the United States, and any official of any country or countries foreign to the United States whose duty it is to issue patents or other evidence or forms of industrial property protection on applications as aforesaid, to issue the same to the said ASSIGNEE, its successors, legal representatives and assigns, in accordance with the terms of this instrument;

AND WE HEREBY covenant and agree that we have full right to convey the entire interest herein assigned, and that we have not executed, and will not execute, any agreement in conflict herewith;

AND WE HEREBY further covenant and agree that we will communicate to the said

ASSIGNEE, its successors, legal representatives and assigns, any facts known to us respecting said invention, and testify in any legal proceeding, sign all lawful papers, execute all divisional, continuing, reissue and foreign applications, make all rightful oaths, and generally do everything possible to aid the said ASSIGNEE, its successors, legal representatives and assigns, to obtain and enforce proper protection for said invention in all countries.

AND WE HEREBY authorize the above-mentioned assignee or its legal representative to insert in this instrument the filing date and serial number of our said application or any other information that may be necessary or desirable in order to comply with the rules of the United States Patent and Trademark Office for recordation of this document.

IN TESTIMONY WHEREOF, we hereunto set our hand and seal the day and year set opposite our signatures.

1/31/02  
DATE

Michael Wand  
MICHAEL WAND

STATE OF COLORADO )  
 ) ss.  
COUNTY OF BOULDER )

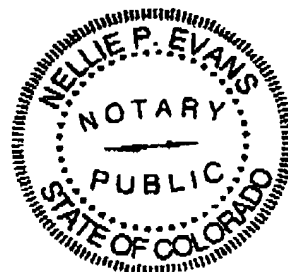
BEFORE ME, the undersigned authority, on this 31<sup>ST</sup> day of January, 2002, personally appeared Michael Wand, known to me to be the person whose name is subscribed to the foregoing instrument and who acknowledged to me that he executed the same of his own free will for the purposes and consideration therein expressed.

Nellie P. Evans  
NOTARY

(SEAL)

My commission expires:

MY COMMISSION EXPIRES 5/27/2008



2/8/02  
DATE

XIN-HUA CHEN

STATE OF )

) ss.

COUNTY OF )

BEFORE ME, the undersigned authority, on this 8<sup>th</sup> day of February, 2002, personally appeared Xin-Hua Chen, known to me to be the person whose name is subscribed to the foregoing instrument and who acknowledged to me that he executed the same of his own free will for the purposes and consideration therein expressed.

Nellie P. Evans  
NOTARY



MY COMMISSION EXPIRES 5/27/2003

1/31/02  
DATE

WILLIAM THURMES

STATE OF COLORADO )

) ss.

COUNTY OF BOULDER )

BEFORE ME, the undersigned authority, on this 31<sup>st</sup> day of January, 2002, personally appeared William Thurmes, known to me to be the person whose name is subscribed to the foregoing instrument and who acknowledged to me that he executed the same of his own free will for the purposes and consideration therein expressed.

Nellie P. Evans  
NOTARY

(SEAL)

My commission expires:

MY COMMISSION EXPIRES 5/27/2003

